

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARREL C. OLDS,

Petitioner,

V.

JEFF UTTECHT,

Respondent.

Case No. C11-5046BHS/JRC

**ORDER DENYING
PETITIONER'S MOTION TO
AMEND THE PETITION**

This action seeks habeas corpus relief from decisions not to parole petitioner. The case has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b) (1) (A) and (B) and Local Magistrate Judge Rules MJR 3 and MJR 4.

Petitioner has filed a motion asking that he be given leave to amend his petition to raise a number of issues from his original trial (ECF No. 21). The motion is denied as futile.

A Report and Recommendation to dismiss the petition because it is time barred was filed one day before the motion to amend was placed in the file (ECF No. 20).

Respondent correctly notes that the issues petitioner is trying to raise are from his criminal conviction, not parole decisions that occurred much later (ECF No. 21). As the parole decisions are time barred, so are the attempts to raise issues from the trial, which occurred many

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1 years earlier. Further, as respondent notes, the issues petitioner is attempting to raise are
2 unexhausted and procedurally barred. Thus, the motion is DENIED.

3 This matter is referred back to Judge Settle for his consideration of the Report and
4 Recommendation that the petition is time barred.

5 The Clerk is directed to mail a copy of this Order to petitioner and remove ECF No. 21
6 from the calendar.
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8 Dated this 18th day of May 2011.



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10 J. Richard Creatura
11 United States Magistrate Judge
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